

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 09, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UPPER COLUMBIA MEDIA

ASSOCIATION,

Plaintiff,

v.

OLIVET NAZARENE UNIVERSITY,

Defendant.

No. 2:23-CV-00276-SAB

**JURY TRIAL SCHEDULING
ORDER**

**JURY TRIAL SCHEDULED FOR
MARCH 17, 2025**

The Parties filed their Joint Status Report and Discovery Plan, ECF No. 26. Plaintiff is represented by Bassam N. Ibrahim, Bryce J. Maynard, Scott L. Smith, and Reid Johnson. Defendant is represented by Jason Elster and William J. Schroeder. After reviewing the parties' Joint Status Report, the Court finds a scheduling conference is not necessary.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Scheduling Conference set for January 12, 2024 is **STRICKEN** from the Court's calendar.

2. The following Scheduling Order is imposed:

PROFESSIONALISM AND COURT-ASSISTED MEDIATION

1. Civility and Professional Conduct. Counsel should review and employ Local Rule 83.1 (Civility) and Washington Rule of Professional Conduct

JURY TRIAL SCHEDULING ORDER # 1

3.4 (Fairness to Opposing Party and Counsel).

2. Scheduling Order is Binding. Rule 16(f) of the Federal Rules of Civil Procedure provides for sanctions for failure to obey the Scheduling Order. The Court will usually accept stipulations to modify the dates specified in this Order, but modifications of pretrial deadlines may also result in a modification of the trial date.

3. Settlement Conference/Mediation. The parties are encouraged to engage in settlement negotiations as early as possible and should contact the Court if they believe a settlement conference would be helpful. The Court will require parties to engage in mediation prior to trial, unless good cause is shown that mediation is not possible or will be unproductive.

TRIAL DATES

4. Jury Trial. The jury trial shall commence on **March 17, 2025 at 9:00 a.m.** in **Spokane**, Washington. A final pretrial conference is set at **8:30 a.m.** The trial is estimated to last five days.

5. Pretrial Conference. An in-person pretrial conference will be held on **February 27, 2025 at 11:00 a.m.** in **Spokane**, Washington.

DISCOVERY DEADLINES

6. Initial Disclosures. The Parties stipulated that they will exchange their Rule 26(a) initial disclosures on or before **February 12, 2024**.

7. Expert Disclosures.

A. Initial Expert Disclosures. Each Party shall identify its experts and serve written reports as required by Rule 26(a)(2) on all other parties no later than **July 30, 2024**. Each Party shall also provide dates for which those experts can be available for deposition.

B. Rebuttal Expert Disclosures. Each Party shall identify its rebuttal experts and serve written reports as required by Rule 26(a)(2) on all other parties no later than **August 29, 2024**. Each Party shall also provide dates for which those experts

1 can be available for deposition.

2 *C. Modifications.* The parties may modify the deadline for exchange of
3 expert disclosures by joint stipulation filed with the court; a motion is not required.

4 **8. Discovery.**

5 *A. Discovery Limitations.*

6 *i. Depositions.* No more than ten depositions, each limited to seven
7 hours in one day, may be taken by the plaintiffs, defendants, or third-party
8 defendants without leave of the Court. Fed. R. Civ. P. 30(a)(2), (d)(1).

9 *ii. Interrogatories.* No party may serve more than twenty-five
10 interrogatories, including discrete subparts, on any other party, without leave of the
11 Court. Fed. R. Civ. P. 33(a)(1).

12 *iii. Requests for Production.* No party may serve more than thirty
13 requests on any other party without leave of the Court.

14 *B. Discovery Deadline.* All discovery shall be completed on or before
15 **October 28, 2024.**

16 *C. Responses.* To be timely, discovery requests must be served sufficiently
17 in advance of the deadline to allow for timely response by the cutoff date.

18 *D. Necessity.* The parties shall file no discovery except as necessary to
19 support motions or objections.

20 *E. Discovery Conferences.* To avoid wasted time and expense, Counsel may
21 contact chambers to schedule a telephonic conference to obtain an expedited ruling
22 on discovery disputes. Prior to the conference, each party may submit to the Court
23 a one-page summary explaining the discovery dispute. The Court will schedule a
24 conference to occur within 2–3 days of the initial request. Absent very unusual
25 circumstances, the parties should not contact the Court during a deposition.
26 Instead, during a deposition, the parties should make an appropriate record for
27 review by the Court at a later time.

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MOTION DEADLINES

9. **Motions to Amend Pleadings or Add Parties.** Any motion to amend the pleadings or add named parties shall be filed and served by **August 19, 2024**.

10. ***Daubert* Motion Deadline.** Challenges to the admissibility of expert opinion testimony shall be made by written motion and filed by **September 6, 2024**. If the party challenging expert testimony anticipates that an evidentiary hearing shall be required, the party shall so advise the Court and opposing counsel in conjunction with the filing of its motions.

11. **Dispositive Motions.** All dispositive motions shall be filed and served on or before **November 5, 2024**.

12. **Motions *in Limine*.**

A. *Motions in Limine*: shall be filed and served on or before **February 3, 2025**.

B. *Responses*: shall be filed and served on or before **February 10, 2025**.

C. *Replies*: shall be filed and served on or before **February 18, 2025**.

D. *Notation*: Motions *in limine* shall be noted for hearing at the pretrial conference.

TRIAL PREPARATION DEADLINES

13. **Exhibit and Witness Lists.**

A. *Exhibit Lists and Witness Lists*: shall be filed and served and exhibits made available for inspection (or copies provided), on or before **February 10, 2025**.

B. *Identification*: The witness list shall include identification of each witness's testimony.

C. *Notation of Exhibits*: Where feasible, all exhibits identified in depositions shall be pre-marked with the exhibit numbers that will be used at trial. Plaintiff's trial exhibits are to be numbered 1 through 199; Defendant's exhibits are to be numbered 200 and following.

1 D. *Objections*: Objections to the opposing party's witness list or exhibit list
2 and any accompanying briefs shall be filed and served on or before **February 18,**
3 **2025**.

4 E. *Responses*: Responses, if any, to objections shall be filed and served on or
5 before **February 25, 2025**.

6 **14. Pretrial Exhibit Stipulation.**

7 A. *Stipulation*: The parties shall prepare a pretrial exhibit stipulation that
8 shall contain each party's numbered list of all trial exhibits with the opposing
9 party's objections to each exhibit, including the basis of the objection and the
10 offering party's brief response. All exhibits to which there is no objection shall be
11 deemed admitted, subject to any objections at trial that could not be raised in
12 advance.

13 B. *Deadline*: The pretrial exhibit stipulation shall be filed on **February 25,**
14 **2025**.

15 C. Objections to witness and exhibits shall be heard at the pretrial
16 conference.

17 **15. Designation of Testimony.**

18 The parties shall notify the Court on or before **February 3, 2025** whether
19 deposition testimony will be used at trial. The Court will then schedule a hearing to
20 review all designated testimony and objections so that a final edited version of the
21 deposition testimony can be prepared for trial.

22 **16. Pretrial Order.**

23 A. *Deadline*: A joint Pretrial Order, prepared in accordance with the format
24 provided in Local Rule 16.1(b), shall be filed on or before **February 25, 2025** and
25 a copy e-mailed in Word format to the Court at
26 BastianOrders@waed.uscourts.gov.

27 B. *Consistency*: The list of exhibits contained in the joint Pretrial Order shall
28 reflect the exhibit marking scheme described above.

1 *C. Duplicative Exhibits:* In preparing the joint Pretrial Order, the parties
2 shall confer regarding duplicate exhibits and determine which party will submit
3 such exhibits for trial.

4 **17. Trial Briefs and Proposed Voir Dire.** Trial briefs and voir dire shall
5 be filed by **February 20, 2025**.

6 **18. Jury Instructions.** No later than **February 20, 2025**, the parties shall
7 file jointly proposed jury instructions.

8 *A. Confer.* The parties shall confer regarding jury instructions and file
9 jointly proposed jury instructions and a table of proposed Jury Instructions. The
10 jointly proposed Jury Instructions should address only issues that are unique to this
11 case and shall include instructions regarding the elements of each claim, any
12 necessary definitions, and a proposed verdict form.

13 *B. Modifications.* If any proposed instruction is a modified version of model
14 instructions or deviate from model instructions, the parties shall identify the
15 modification and cite legal authority for the modification.

16 **19. Submissions on the First Day of Trial.** The Court requires that the
17 following be submitted to the courtroom deputy clerk on the first day of trial:

18 *A. Exhibits.* Exhibits for presentation at the trial in tabbed binders indexed
19 by exhibit number with exhibit tags placed consistently on the bottom right corner
20 of each exhibit. Counsel shall submit to the Court an original binder and two
21 copied binders of their exhibits together with three discs or flash drives containing
22 the same.

23 *B. Exhibit List.* One copy of a final joint exhibit list.

24 *C. Witness List.* One copy of witness lists in the order in which the witnesses
25 are expected to be called to testify.

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MODIFICATIONS

20. Good Cause. Pursuant to Rule 16 of the Federal Rules of Civil Procedure, this schedule shall not be modified unless the Court finds good cause to grant leave for modifications.

21. Motions to Continue Trial. The trial date set forth in this Order is firm, and all parties and their counsel must regard the date set for trial as certain. The Court may grant a continuance only on a showing of good cause requiring the continuance, and the Court does not guarantee its availability on any new date requested by counsel.

22. Length of Memoranda. The parties shall follow the page limit requirements of Local Rule 7(f) for all motions and pleadings. Motions for leave to exceed page limits are strongly disfavored and will be granted only in extraordinary circumstances.

IT IS SO ORDERED. The District Court Clerk is hereby directed to enter this Order and to provide copies to counsel.

DATED this 9th day of January 2024.



Stanley A. Bastian

Stanley A. Bastian
Chief United States District Judge